

**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith. The present amendment is being made to facilitate prosecution of the application.

**I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-4, 7-16, and 19-25 are pending in this application. Claims 1, 12, 13, 24, and 25 are hereby amended. Claims 5-6 and 17-18 are hereby canceled without prejudice and disclaimer of subject matter. Support to this amendment is provided throughout the Specification.

No new matter has been introduced. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

**II. REJECTIONS UNDER 35 U.S.C. §101 and §103(a)**

Claims 12 and 24 were objected due to informalities.

Claim 25 was rejected under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter.

Claims 1-5, 13-17, and 25 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,314,235 to Gotoh, et al. (hereinafter, merely "Gotoh") in view of U.S. Patent No. 6,360,057 to Tsumanari (hereinafter, merely "Tsumanari").

Claims 6 and 18 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Gotoh in view of Tsumanari and further in view of U.S. Patent No. 6,205,529 to Shagam (hereinafter, merely "Shagam").

Claims 7-9 and 19-21 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Gotoh in view of Tsumanari and further in view of U.S. Patent No. 6,373,803 to Ando (hereinafter, merely "Ando").

Claims 10-12 and 22-24 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Gotoh in view of Tsumanari and in view of Ando and further in view of U.S. Patent No. 6,014,368 to Sanami (hereinafter, merely "Sanami").

### **III. RESPONSE TO REJECTIONS**

Claims 12 and 24 have been amended, therefore obviating objections due to informalities.

Claim 25 has been amended, therefore obviating rejections under 35 U.S.C. §101.

As understood by Applicants, Gotoh relates to a method for recording an AV file using an information recording disk in which data is recorded/reproduced by sectors. Gotoh's recording method includes the steps of determining whether or not input data is AV data, detecting a defective sector existing in an assigned data recording area, allocating a defective extent, recording A data in continuous sectors, and allocating an area of continuous sectors.

As understood by Applicants, Tsumagari relates to an invention that allows the user to insert an entry point at an arbitrary recording position of video data, audio data, and the like as if he or she placed a book mark between pages of a book.

As understood by Applicants Shagam relates to an apparatus for defragmenting disks by incorporating a copy function in the logic controlling a disk, so that a disk can be instructed to copy the contents of tracks from one area to another on the disk without requiring a series of data transfers between the disk and the host computer to which it is assigned.

As understood by Applicants Ando relates to stream data that has a recording data structure formed in units of steam blocks which are segmented to have a predetermined data size. Ando's data are recorded and partially erased in units of the stream blocks.

As understood by Applicants Sanami relates to a multiplexing system which detects multiplexing errors, includes PES packetizing modules that packetize elementary streams to produce packetized elementary streams and a TA/PS packetizing module that multiplexes packetized elementary streams to produce transport streams or program streams.

First, claim 1 recites, *inter alia*:

“A recording control apparatus for controlling data recording on a recording medium, comprising:

**size-determining means for determining whether or not the consecutive empty areas which follow the predetermined-sized consecutive empty areas reserved by said area-reserving means have a size less than the predetermined size,**” (Emphasis added)

The Office Action (see page 6, regarding claim 6) relies on column 2, lines 1-8 of Shagam to disclose size-determining means for determining whether or not the consecutive empty areas which follow the predetermined-sized consecutive empty areas reserved by said area-reserving means have a size less than the predetermined size, as recited in claim 1.

Applicants respectfully submit that Shagam relates to defragmentation after deleting a file in contrast with Applicants' invention relating to reserve spare areas for being capable of preventing fragmentation before writing. The cited portion of Shagam discloses that “a new file

that needs 40 tracks might not be allocated to this disk, even though 40 tracks are free simply because they are not continuous.” Applicants respectfully submit that Shagam relates to merging discontinuous area instead of determining whether or not the consecutive empty areas which follow the predetermined-sized consecutive empty areas reserved by said area-reserving means have a size less than the predetermined size, as claimed by Applicants. Applicants submit that Gotoh, Tsumagari, Shagam, Ando, and Sanami, taken alone or in combination, fail to teach or suggest the above-identified features of claim 1.

Furthermore, claim 1 recites, *inter alia*:

“A recording control apparatus for controlling data recording on a recording medium, comprising:

area-reserving means for reserving, as reserved areas, predetermined-sized consecutive empty areas having a predetermined size for guaranteeing a real-time playback from among recording areas on the recording medium” (Emphasis added)

Applicants submit that Gotoh, Tsumagari, Shagam, Ando, and Sanami, taken alone or in combination, fail to teach or suggest the above-identified features of claim 1. Specifically, there is nothing found in Tsumagari, Shagam, Ando, and Sanami that teaches “area-reserving means for reserving, as reserved areas, predetermined-sized consecutive empty areas having a predetermined size for guaranteeing a real-time playback from among recording areas on the recording medium””, as recited in claim 1 (emphasis added).

Therefore, Applicants respectfully submit that independent claim 1 is patentable.

For similar reasons or somewhat similar reasons discussed above regarding independent claim 1, independent claims 13 and 25 are also patentable.

Therefore, Applicants respectfully submit that independent claims 1, 13, and 25 are patentable.

#### IV. DEPENDENT CLAIMS

The other claims in this application are each dependent on independent claim 5 discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

#### CONCLUSION

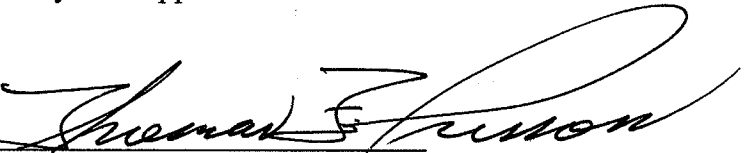
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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